

Applicant: Donald E. Weder
Title: METHOD OF ATTACHING A FLORAL SLEEVE TO
A POT VIA BONDING MATERIAL (as amended)
Application No.: 09/594,981
Pract. Dkt. No.: 8403.101

portion of a pot and an adhesive or cohesive bonding material disposed upon a portion of the inner peripheral surface, the tubular sleeve initially having a flattened condition;
providing a pot adapted to contain a floral grouping;
opening the tubular sleeve to expose the inner retaining space;
disposing the pot into the inner retaining space of the tubular sleeve; and
connecting a portion of the inner peripheral surface of the tubular sleeve to the pot via the adhesive or cohesive bonding material on the inner peripheral surface of the tubular sleeve.

REMARKS

This is intended to be a complete response to the Office Action Mailed August 16, 2001. Claims 51 and 137 have been amended herein.

Rejection of Claims 51, and 127 - 145 under 35 U.S.C. § 103

In the Office Action dated 08/16/2001, the Examiner rejected Claims 51, 127 - 145 as being unpatentable over Weder (U.S. Patent

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No. 5,111,638) in view of Heckman (U.S. Patent No. 4,248,030). The

Examiner states as follows:

"Weder substantially shows the claimed subject matter as claimed including the method and apparatus enclosing a potted plant wherein the sleeve that encloses the potted plant has adhesive means to bond to the outer peripheral surface of the pot. Weder shows the sleeve wrapping around the potted plant but does not show the flattened sleeve enclosing the potted plant as claimed. Heckman discloses that a tubular sleeve is opened to enclose the product wherein the sleeve may be in a flattened state (col. 1 line 10+). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Weder with a tubular sleeve as taught by Heckman to provide an alternative method to enclose a product. Regarding the drain hole, it is well known in the art to provide drain holes or ventilation holes to provide for ventilation. Regarding the release material as claimed for the adhesive means, Weder shows equivalent pressure sensitive adhesive means. Mere selection of known materials, such as releasable material adhesives, to adhesively bond materials would be entirely obvious on the basis of suitability for the intended use. See in re Leshin, 125 USPQ 416 (CCPA 1960). Furthermore, it is well known in the art to use releasable material with adhesive means to protect the adhesive material prior to use."

Applicant respectfully traverses the rejection on the basis that the references cannot be combined to arrive at the present invention, nor is there any motivation to make the combination.

The present invention is directed to a method of wrapping a pot by, in essence:

(1) providing a flattened tubular sleeve having an inner

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- retaining space;
- (2) providing a pot; and
- (3) connecting a portion of the inner peripheral surface of the sleeve to the pot via an adhesive or cohesive material.

Weder ('638) shows a flat sheet of material 10 having a bonding material 24 disposed upon an upper or lower surface thereof.

Weder ('638) does not teach providing a tubular sleeve having an inner retaining space and an inner peripheral surface, as required by the present claims.

Weder ('638) teaches the use of an adhesive bonding material to bond a sheet of material to the outer surface of a pot in order to enclose a potted plant. As noted above, Weder ('638) teaches the bonding of a sheet, not a tubular sleeve having an inner retaining space, to the pot. Further, the purpose of the bonding material on the sheet is to hold the sheet in the shape of a pot to form a cover enclosing the potted plant. Since the sheet is not already formed into the shape of a cover, the bonding material serves to do this. In the present invention, the sleeve already has a tubular shape and therefore does not need an adhesive to form it into a pot shape. Thus, there is no motivation or reason to apply an adhesive upon the sleeve based on the teachings of Weder

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'638.

Further, the cover formed from the flat sheet of Weder ('638) does not have an inner retaining space until after it is placed about a pot and attached thereto via the bonding material.

Since the sheet of Weder ('638) does not have an inner retaining space before it is applied to the pot, Weder ('638) does not teach a key element of the present claims, i.e. that a tubular sleeve with an inner retaining space is provided for application about a pot.

The Examiner has recognized the deficiencies of Weder ('638) and has attempted to combine selected dissected elements and teachings of Weder ('638) with certain isolated teachings of Heckman ('030) in order to reconstruct a method over which the Examiner maintains Applicant's claimed invention, as recited in claims 51, 127-145 of the subject application, is obvious.

Heckman ('030) teaches a method for disposing a tubular sleeve about a bottle, then heat-shrinking the tubular sleeve so that the heat-shrunk sleeve tightly conforms to the surface of the bottle.

In the rejection it is stated that in view of Heckman ('030) "It would have been obvious... to provide Weder with a tubular sleeve... to provide an alternative method to enclose a product."

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Applicant respectfully traverses that Heckman ('030) provides any teaching, motivation, suggestion, or incentive to provide Weder ('638) "with a tubular sleeve."

Floral sleeves having tubular shapes, as admitted by the applicant, have been previously known in the floral industry (see section 3 of the Information Disclosure Statement filed November 10, 2000, and references cited on Form PTO-1449).

Floral sleeves have been sold for years with no attachment to pots placed therein. Moreover, unlike sheets, floral sleeves already have a shape and an inner retaining space for holding a pot.

None of the sleeve references known to the applicant, nor the Heckman ('030) reference, provide any teaching to provide the flat sheet of Weder ('638) with a tubular shape before being provided to be placed about a pot.

Further, there is no way to change the concept of wrapping a flower pot with a sheet into the disposal of a tube about a pot without modifying the essential nature of the invention, which, in the case of Weder ('638), is to form a sheet into a cover about a pot.

In view of the above, the teachings of Weder ('638) with

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Heckman ('030) cannot be combined without changing the inventive concept of one or the other, nor is there any motivation to modify Weder ('638) in view of Heckman ('030), as explained above.

Therefore, Applicant respectfully submits that pending claims 51, 127-145 are nonobvious over the combination of Weder ('638) and Heckman ('030). Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of said pending claims.

Secondary References

Applicant has reviewed the secondary references and has determined that the secondary references cited do not teach or render obvious the invention as presently claimed.

Version With Markings To Show Changes Made

Attached hereto is a marked-up version of the changes made to the claims pursuant to 37 CFR 1.121(c)(1)(ii) by the current amendment in response to the Office Action dated 08/16/2001.

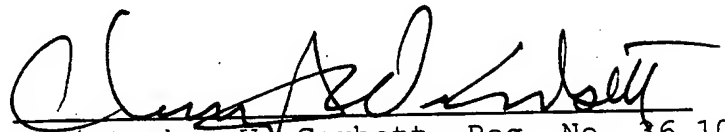
Summary

It is respectfully submitted that this application, as now amended, is in condition for allowance for the reasons stated

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above. Applicant therefore respectfully requests issuance of a
Notice of Allowance.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

51. (Twice Amended) A method of wrapping a pot, comprising:
providing a tubular sleeve having a lower end, an outer
peripheral surface, an inner peripheral surface,
and an inner retaining space for enclosing at least
a portion of a pot, [and] the tubular sleeve
initially having a flattened condition;
providing a pot adapted to contain a floral grouping
[and] having a lower end, an upper rim and an outer
peripheral surface;
opening the tubular sleeve to expose the inner retaining
space;
disposing[at least a portion of] the pot into the inner
retaining space of the tubular sleeve [about the
outer peripheral surface of the pot]; and
bondingly connecting a portion of the inner peripheral
surface of the tubular sleeve to the pot via an
adhesive or cohesive bonding material.

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137.. (Once Amended) A method of wrapping a pot, comprising:

providing a tubular sleeve having a lower end, an inner peripheral surface, [and] an outer peripheral surface, an inner retaining space for enclosing at least a portion of a pot and an adhesive or cohesive bonding material disposed upon a portion of the inner peripheral surface, [and wherein] the tubular sleeve initially [has] a flattened condition;

providing a pot adapted to contain a floral grouping;

opening the tubular sleeve to expose the inner retaining space;

disposing [at least a portion of] the pot into the inner retaining space of the tubular sleeve [about the outer peripheral surface of the pot]; and

connecting a portion of the inner peripheral surface of the tubular sleeve to the pot via the adhesive or cohesive bonding material on the inner peripheral surface of the tubular sleeve.